

1 couple of comments before we -- before we proceed?

2 A concern that I have is following  
3 process. And we need to be consistent. And  
4 I -- I truly think that we have legal counsel  
5 that provides us with advice.

6 And, yes, I think that the fact that  
7 we decide -- we as a body made a decision to  
8 make -- to make -- as we go along we made  
9 decisions and we made motions and so on and so  
10 forth and we discussed it and we voted on it.

11 But I think with the -- with the  
12 complexity of this, such a document that we  
13 have, and so many things that are intertwined, I  
14 just want to remind everybody that we have to --  
15 because it's been reminded to me -- be  
16 consistent and we follow the process.

17 Because if we don't follow the  
18 process, then we're really, really getting  
19 ourselves in a situation that's very  
20 uncomfortable. And it could be detrimental.

21 Go right ahead, Joan.

22 MS. JONES: The other thing I wanted to

1 mention with respect to that parcel -- Steve, again,  
 2 correct me if I'm wrong -- you indicated that that  
 3 1,100 acres was not -- not a part of the Mattawoman  
 4 Watershed District; however, the vote was such that  
 5 it put it into the Mattawoman Watershed issue.

6 When we had information --

7 MR. BALL: Well, it wouldn't -- it put  
 8 it -- it didn't put it into that watershed. You  
 9 can't change the watershed. It would put it into  
 10 the conservation district, Watershed Conservation  
 11 District.

12 MS. JONES: But you're talking about  
 13 Mattawoman -- but you had said it's not part of the  
 14 Mattawoman --

15 MR. BALL: It's not a part of the  
 16 watershed, meaning it's not part -- the land doesn't  
 17 drain into the Mattawoman Creek. It would drain  
 18 into the Port Tobacco River. So that's -- that's  
 19 what I meant by that statement.

20 MS. JONES: But when the Rural  
 21 Conservation Deferred was changed to Watershed  
 22 Conservation District it meant the Mattawoman

1 Watershed Conservation District, did it not?

2 MR. BALL: Well, I think is what we were  
3 -- the staff was proposing, that it be targeted for  
4 that purpose, yes.

5 MS. JONES: The Mattawoman Water --

6 MR. BALL: Yes.

7 MS. JONES: But you did say that this  
8 parcel is not --

9 MR. BALL: Right.

10 MS. JONES: -- in the Mattawoman --

11 MR. BALL: That's right.

12 MS. JONES: -- watershed Conservation  
13 District.

14 MR. BALL: Right, that was our  
15 recommendation --

16 MS. JONES: So my question --

17 MR. BALL: -- which was changed. The  
18 Board changed that at the -- at your meeting when  
19 this first came up.

20 MS. JONES: But how can we change  
21 something and put it in a district that it is --  
22 actually should not be in? I mean, how do we just

1     decide that we're going --

2                 MR. BALL: Well, that's what -- I think  
3     that's -- that's one of many decisions that you're  
4     making about the comprehensive plan. You know, we  
5     made a recommendation. The Board changed it based  
6     on your discussion. And at that time at that vote  
7     it was determined to be best to be included in  
8     conservation and not for development. And --

9                 MS. JONES: I was basically talking about  
10    what you had recommended in terms of --

11                MR. BALL: Yeah, originally we  
12    recommended -- the staff, myself -- recommended it  
13    not be included, but that -- our role is just to  
14    make recommendations. You -- you -- you get to make  
15    the decision on whether to forward that or change it  
16    to the County Commissioners.

17                MS. JONES: But I would not change  
18    something unless I knew I had better information.

19                MR. BALL: Well, the Board made that  
20    decision and -- and voted to change it.

21                CHAIRMAN BOWLING: Mr. Barnes?

22                MR. BARNES: I'd like to just hear



1 counsel's planned comments without interruption and  
2 then if there's a discussion after that. That's my  
3 recommendation to the -- the members.

4 MS. THEOBOLDS: I think I really have  
5 said what I needed to say. And my -- my task was to  
6 look at the record, how it is that the -- the issue  
7 was presented, the vote that was taken, where it is  
8 that we are and whether or not it's something that  
9 would be either considered new evidence or something  
10 it is that could not reasonably have been delivered  
11 to all the Planning Commission members at the time.

12 As I recall, the vote happened; staff  
13 was prepared with the recommendation, which was  
14 contrary to what it is the -- that was actually  
15 taken. And that is all I can really say.

16 CHAIRMAN BOWLING: Okay. Where do we go  
17 from here? And -- and -- and realize one thing, and  
18 this is something that I think one of my -- two of  
19 my colleagues brought up -- that we make  
20 recommendations to the County Commissioners on this  
21 document, recommendations. They can take a 360  
22 degree turn and -- and change all the

1 recommendations, all the motions that we made and do  
2 something otherwise.

3 So I -- I guess at this point we  
4 really need to move on and we need to address  
5 another issue related to the comprehensive plan  
6 so we can get this document to the County  
7 Commissioners so they can read it and they can  
8 look at it and they can study it. They can ask  
9 questions to staff and so on and so forth.

10 Because I think our job is pretty  
11 much done at this point. Because I have a  
12 strong, strong feeling that -- I want to follow  
13 the process and I want to be consistent, because  
14 we don't want to be inconsistent with what we  
15 do, because if we do, I think we're not really  
16 doing what we're supposed to be doing.

17 I know that there is -- there is  
18 concerns on both sides of this issue, but  
19 sometimes we have to -- to move on. Even though  
20 we don't realize that we should have gone this  
21 way, we should have done this, we should have  
22 done that, but that's in the past. I think

1 we -- we need to move on at this point.

2 I think counsel has provided some  
3 advice and her -- her thoughts on this. But, as  
4 chair, I think we need to move on at this point.

5 Unless someone highly objects with  
6 what I'm saying, I'll certainly -- we can  
7 certainly discuss it more, but I don't think we  
8 need to run into the wee hours of the night.

9 MS. JONES: Can you explain what you mean  
10 by move along?

11 CHAIRMAN BOWLING: Unless people have  
12 real heartburn about this, I think we need to move  
13 on to the next item. I don't -- I don't -- I think  
14 at this point we've discussed it; we've looked at  
15 it, we've voiced our opinions; everybody has voiced  
16 their opinions; everybody has discussed it.

17 And, who knows, with this particular  
18 issue, again, it could take a 360 degree turn on  
19 this particular item and other items that we've  
20 addressed and thoroughly discussed and  
21 thoroughly analyzed and thoroughly asked staff  
22 to bring back additional information.

1                   So that's my feeling on that and  
2                   that's -- that's -- that's kind of what I'm  
3                   going to state at this point.

4                   And Mr. -- Mr. Magoon has -- has  
5                   another comment.

6                   MR. MAGOON: Yeah. Thank you, Mr. Chair.

7                   I get the feeling from your comments  
8                   that we're going to press on and not revisit  
9                   this, but I'd like to see if this flies.

10                  I'd like to say that at the last  
11                  meeting I then made a mistake. And I would like  
12                  to revisit the school coming out of -- coming --  
13                  going back into the priority funding area. I  
14                  mistakenly voted on that.

15                  Does that fly?

16                  MS. THEOBOLDS: Are you looking to me for  
17                  an answer?

18                  MR. MAGOON: Yeah.

19                  MS. THEOBOLDS: Mistakes have a distinct  
20                  definition. And a mistake could be whether or not  
21                  you had all the information, didn't have all the  
22                  information. And I'm just -- off the top of my



1 head, when you're talking about the legal definition  
2 of mistake, it's not that it's a mistake that could  
3 be characterized more as a change of heart, not  
4 necessarily factual, possibly a feeling.

5 So I just want to make sure it is  
6 when you're saying I made a mistake, that you're  
7 aware that there is a definition for what a  
8 mistake could be.

9 MR. MAGOON: Okay. Yeah, I truly believe  
10 I made a mistake in that vote. And I want to bring  
11 the school back into the priority funding area. So  
12 I'd like to revisit that.

13 CHAIRMAN BOWLING: Counsel, am -- am I  
14 incorrect or not, but I think that's what  
15 Mrs. Schertler did in relationship to -- to -- to  
16 putting that -- that area of, what, 50 or 60 acres  
17 that contains the school back into the priority  
18 funding area, because I -- and -- and please help me  
19 out if I'm wrong, because I think several people  
20 from the Board of Education were sitting in that  
21 initial meeting. They came up. They said we don't  
22 know, we might want to talk to the powers to be.

1                   They came back -- because I think the  
2                   question was asked -- and, please, I could be  
3                   mistaken now, because I -- I sometimes lose my  
4                   train of thought -- that they -- they weren't  
5                   sure about how the state funding was going to  
6                   impact if that was taken out of the priority  
7                   funding area.

8                   So they came back and they said to  
9                   the best of our knowledge, this is the  
10                  information that we had researched and we had  
11                  talked to our powers to be that there could  
12                  be -- now, again, the wording might be wrong --  
13                  it could impact state funding for that school.

14                 MR. MAGOON: That's right.

15                 CHAIRMAN BOWLING: And that's -- and so  
16                 that's when I think -- and correct me wrong -- if  
17                 I'm wrong now, because I'm not perfect by any  
18                 means -- that Mrs. Schertler made a motion to put  
19                 the priority -- put the school -- area that the  
20                 school was in, 50 or 60 acres, back into the  
21                 priority funding area because of that -- that  
22                 information that they brought back to us.

1 Now, tell me if I'm wrong.

2 MS. SCHERTLER: That's -- that's -- and I  
3 have the motion and I have the School Board's  
4 comments, but go ahead.

5 CHAIRMAN BOWLING: So, you know, again,  
6 I -- I think this was -- let me -- one -- one more  
7 thing and then I'm done. I think this was a very  
8 challenging subject matter and a very -- things got  
9 kind of twisted and turned, and not anyone's fault,  
10 but it happened, and that's why I say,  
11 unfortunately, we need to move on.

12 Go ahead, Miss --

13 MS. DAYA: I have a question for -- so my  
14 question is now then if -- there were three opposing  
15 votes to that. So obviously the three of us cannot  
16 make that -- cannot bring that up, correct?

17 MS. THEOBOLDS: Three opposing votes to?

18 MS. DAYA: The school being put back into  
19 the PFA, because if I'm understanding --

20 MR. MAGOON: No. Four.

21 (Inaudible - people speaking.)

22 MS. DAYA: Okay. I'm sorry, that's what

1 I'm saying. That's what I'm saying. I'm sorry.  
2 Right. Okay. So then my question is, if Mr. Magoon  
3 brought that motion back up, would that be --  
4 that -- for the school to be put back into the  
5 PFA --

6 MR. MAGOON: Right.

7 MS. DAYA: -- basically Miss Schertler's  
8 motion, you hand it over to him and he reads it,  
9 could that be a workable motion? Would it follow  
10 the rules and procedures?

11 MS. THEOBOLDS: If -- okay, run that one  
12 by me again.

13 MS. DAYA: Okay. So if I'm hearing  
14 Mr. Magoon right, he's stating --

15 MS. THEOBOLDS: And he was on the  
16 prevailing side.

17 MS. DAYA: He was on the prevailing  
18 side -- to basically bring back up Miss Schertler's  
19 motion, is that doable with the rules and procedures  
20 and the time constraint?

21 MS. THEOBOLDS: When was that vote taken?

22 MS. SCHERTLER: 2-2-2016.



1 UNKNOWN VOICE: I thought it was the last  
2 meeting.

3 MS. SCHERTLER: No, February -- no, I'm  
4 sorry, that was the original -- original motion.  
5 I'm sorry.

6 MS. DAYA: I have here March 7th.

7 MS. SCHERTLER: Yeah, I'm sorry. I have  
8 the wrong notes.

9 MS. THEOBOLDS: So this is the very next  
10 meeting?

11 MR. MAGOON: It is.

12 MS. THEOBOLDS: Technically it could.

13 MS. SCHERTLER: But do we have to have a  
14 --

15 (Inaudible portion)

16 MR. MAGOON: You're okay with it?

17 MS. THEOBOLDS: If that's what this Board  
18 is willing to do. I mean, that's what it is in  
19 the -- in the practice -- the rules of practice and  
20 procedure.

21 MR. MAGOON: All right. Then I'm  
22 prepared to make a motion.

1 MS. SCHERTLER: Does it -- I'm sorry,  
2 does there have to be a showing of a mistake to  
3 reconsider?

4 MS. THEOBOLDS: He can make a motion and  
5 then we can --

6 MS. SCHERTLER: Okay.

7 CHAIRMAN BOWLING: Go right ahead,  
8 Mr. Magoon. I think I understand what you're doing.  
9 Again, we're -- this has gotten so complex now  
10 you've probably lost -- lost a lot of people.

11 MR. MAGOON: All right. I'm going to  
12 move that the Billingsley Road Elementary School  
13 site at 10065 Billingsley Road, White Plains and the  
14 optional 2.5 acre site at the same location retain  
15 the priority funding area designation.

16 CHAIRMAN BOWLING: Motion has been made  
17 to -- to put that area that the school -- and help  
18 me out, Mr. Magoon.

19 MR. MAGOON: There is 2.5 acres at that  
20 same location that is an optional portion of that  
21 site. It's essentially bringing the elementary  
22 school back to the priority funding area.

1 CHAIRMAN BOWLING: Okay.

2 (Inaudible portion)

3 MS. DAYA: I'll second that motion.

4 CHAIRMAN BOWLING: Okay. Discussion?

5 UNKNOWN VOICE: Didn't we do that

6 already?

7 CHAIRMAN BOWLING: I thought we already

8 did that.

9 (Inaudible section)

10 CHAIRMAN BOWLING: That's what --

11 MS. SCHERTLER: But that motion failed.

12 CHAIRMAN BOWLING: That motion failed.

13 MS. DAYA: He's bringing it back up

14 again.

15 CHAIRMAN BOWLING: The motion failed

16 three to four.

17 MR. MAGOON: I believe I mistakenly voted

18 against that and I'm bringing it back before this

19 Board to put that school back into the priority

20 funding area.

21 CHAIRMAN BOWLING: Okay. Motion has been

22 made and seconded.

1 Any further discussion to put that  
2 area that the school is in back in the priority  
3 funding area?

4 MS. JONES: I just had a question for  
5 Mr. Magoon --

6 CHAIRMAN BOWLING: Go ahead.

7 MS. JONES: -- in terms of the reason. I  
8 know you would not have voted to take priority  
9 funding away from the school, but it had to have  
10 been --

11 MR. MAGOON: I clearly would not have. I  
12 really believe that we should have brought the  
13 entire 1,160 back out. But as it's been recommended  
14 that we move on, I believe that the School Board  
15 absolutely needs to have that happen. And my vote  
16 would have been different or is different today than  
17 it was at the last meeting.

18 MS. JONES: Okay.

19 MR. MAGOON: And that's why I bring it  
20 forward.

21 CHAIRMAN BOWLING: Any further discussion  
22 on this matter? Does everybody understand the



1 motion?

2 MS. SHERARD: I do. I just have a  
3 comment. I think from this point forward we need to  
4 be very careful of how we label mistakes.

5 The legal definition is quite  
6 different from I have a change of heart, I'm not  
7 as emotional today. So I just want to make that  
8 comment, just so that we can proceed clearly and  
9 adhere to legal definitions and not just an  
10 emotional I've calmed down, now I'm ready --

11 MR. MAGOON: Well, if you believe it's a  
12 change of heart I can withdraw the motion, if you'd  
13 like.

14 MS. SHERARD: I'm just saying that  
15 from this point forward we need to be very  
16 careful of what we consider a mistake.

17 MR. MAGOON: I heard --

18 MS. SCHERTLER: That's all I'm saying.

19 MR. MAGOON: I agree. We need to be  
20 careful about what we consider a mistake. All  
21 right.

22 CHAIRMAN BOWLING: Well, again, this is

1     why I think that -- do you see what I was saying?  
2     This is why I think we need to move on with this,  
3     because we're dwelling too much on this particular  
4     item.

5                     But, anyway, that's -- Joan, do you  
6     have anything -- any additional comments to say?

7                     MS. JONES: No, because I may well have  
8     voted against it also but for the same reason as  
9     Mr. Magoon. I have concern that in the Waldorf area  
10    we are removing priority funding designation from --  
11    from a site. I have a serious concern about that.

12                    And my thinking also was the entire  
13    1,100 acres should have retained its priority  
14    funding, because you have a school. And if you  
15    have any other things in that area that could  
16    complement that school, taking away priority  
17    funding to me is -- is really misguided.

18                    But we can move on, as you said.

19                    CHAIRMAN BOWLING: Okay. I'm going to  
20    call for the vote as the chair.

21                    (Inaudible)

22                    CHAIRMAN BOWLING: Rosemin.

1                   The motion was made by Mr. Magoon.

2       All in favor of the -- does everybody understand  
3       the motion?

4                   All in favor of the motion say aye.

5                               (aye)

6                   CHAIRMAN BOWLING:   Opposed?

7                   Now, I'm going to ask Recording --  
8       Madam Recording Secretary, please call the roll,  
9       please, so we can make sure that this is -- goes  
10      on record and it's clear of what we did and so  
11      on and so forth.

12                  SECRETARY:   Okay.   Mr. Barnes?

13                  MR. BARNES:   (inaudible)

14                  SECRETARY:   Ms. Daya?

15                  MS. DAYA:    For.

16                  SECRETARY:   Mr. Magoon?

17                  MR. MAGOON:   Aye.

18                  SECRETARY:   Miss Jones?

19                  MS. JONES:   Aye.

20                  SECRETARY:   I'm sorry?

21                  MS. JONES:   Aye.

22                  SECRETARY:   Miss Sherard?

1 MS. SHERARD: In favor?

2 SECRETARY: And Miss Schertler?

3 MS. SCHERTLER: In favor.

4 SECRETARY: And Mr. Bowling?

5 CHAIRMAN BOWLING: In favor.

6 Now we'll move on to the second item.

7 MR. BALL: I -- I just want to, if I may,  
8 just clarify your actions so we're getting it right  
9 in the comprehensive plan.

10 You voted to bring the school back to  
11 designate it as a priority funding area. And  
12 the remainder of the 1,165 acres or 61 acres  
13 will be in the Watershed Conservation District.  
14 Actually, the school will be in the Watershed  
15 Conservation District as well, but it will  
16 retain the PFA designation.

17 And the -- the area will also be  
18 designated to require transfer of development  
19 rights -- no, it will not. I'm sorry. It will  
20 not because it's in the Watershed Conservation  
21 District.

22 Okay. Thank you.




1 MS. SCHERTLER: And the PFA is just  
2 for --

3 MR. BALL: PFA is just for the school.  
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## CERTIFICATE

I, MISTY KLAPPER, do hereby certify that to the best of my ability I have correctly transcribed the requested proceedings, which were found on the Charles County website; that I am neither counsel for, related to, nor employed by any of the parties hereto; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

  
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